

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status

Claims 1-28 were pending.

Claims 1, 6, 7, 9, 15, 17-19, and 22-28 are currently being amended.

Claims 29 and 30 are being added.

After amending the claims as set forth above, Claims 1-30 are now pending in this application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Allowable Subject Matter

In Section 8 of the Office Action, the Examiner stated that Claims 4-9, 12, 17-19, and 23-25 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The limitation of allowable Claim 6 has been added to independent Claim 1. The limitation of allowable Claim 17 has been added to independent Claim 15. The limitation of allowable Claim 23 has been added to independent Claim 22. Allowable Claim 4 has been rewritten in independent form as new Claim 29, including all of the limitations of the base claim (Claim 1) and intervening Claim 3. (Allowable Claim 12 has been rewritten in independent form as new Claim 30, including all the limitations of the base claim (Claim 1).

No new matter has been added.

Claim Rejections – 35 U.S.C. § 112 ¶ 2

In Section 3 of the Office Action, the Examiner rejected Claims 27 and 28 under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regard as the invention.

The Examiner stated that in Claim 27, “there is no proper antecedent for ‘the structural support means’”. Claim 27 has been amended to depend from independent Claim 26.

The Examiner stated that in Claim 28 “there is no [p]roper antecedent for ‘the means for providing structural support’; the structure recited in this claim is repetitive of the structure recited in claim 1.” Claim 28 has been amended to depend from independent Claim 26 and to further define the invention.

Claims 27 and 28 are definite and in compliance with 35 U.S.C. § 112 ¶ 2. The Applicant requests withdrawal of the rejection of Claims 27 and 28 under 35 U.S.C. § 112 ¶ 2.

Claim Rejections – 35 U.S.C. § 102

In Section 5 of the Office Action, the Examiner rejected Claims 1-3, 11, 13-15, 20-22, and 26 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,229,850 titled “Kayak” issued on October 28, 1980 to Arcoutte (“Arcoutte”).

The Examiner stated that Arcoutte discloses a “watercraft including a member 8 disposed along an interior surface of the hull of the watercraft and first and second supports 6 and 7 providing structural to the hull.”

Claim 1 is in independent form and has been amended to incorporate the limitation of allowable Claim 6. Claims 1-3, 11, 13, and 14 depend from independent Claim 1 and are also patentable. See 35 U.S.C. § 112 ¶ 4.

Claim 15 is in independent form and has been amended to incorporate the limitation of allowable Claim 17. Claims 20 and 21 depend from independent Claim 15 and are also patentable. See 35 U.S.C. § 112 ¶ 4.

Claim 22 is in independent form and has been amended to incorporate the limitation of allowable Claim 23.

Claim 26 is in independent form and recites a “watercraft that receives impact energy from its environment during use” comprising, in combination with other elements, “means for providing structural support to the hull and for returning a substantial portion of the impact energy to the environment.”

Arcoutte is titled “kayak” and shows an “internal frame structure . . . formed of three separate parts, namely a bow part 6, a stern part 7, and a seat part 11” (col. 3, lines 9-19; and Figure 5).

The limitation “means for providing structural support to the hull and for returning a substantial portion of the impact energy to the environment” is intended to be construed under 35 U.S.C. § 112 ¶ 6 “to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.” Arcoutte does not identically disclose a “watercraft that receives impact energy from its environment during use” comprising, among other elements, “means for providing structural support to the hull and for returning a substantial portion of the impact energy to the environment” as recited in independent Claim 22. Arcoutte does not disclose the “structural support” structure described in the specification. The rejection of Claim 22 over Arcoutte is not proper. Claim 22 is patentable over Arcoutte. Also, the Applicants respectfully disagree with the Examiner’s conclusion that the “rigidity provided by the structural supports will of necessity return a substantial portion of any impact energy as it is well known from Newton’s Third Law of Motion.” The structural configuration of the invention, as claimed, is configured to return a substantial portion of the impact energy to the environment. The cited references do not disclose, teach, or suggest this limitation.

Applicant respectfully request withdrawal of the rejection of Claims 1-3, 11, 13-15, 20-22, and 26 under 35 U.S.C. § 102(b).

Claim Rejections – 35 U.S.C. § 103(a)

In Section 7 of the Office Action the Examiner rejected Claims 10 and 16 as being obvious over Arcoutte in view of U.S. Patent No. 4,745,874 titled “Kayak Internal Support System” issued on May 24, 1988 to Everett (“Everett”) under 35 U.S.C. § 103(a).

Claim 1 is in independent form and has been amended to incorporate the limitation of allowable Claim 6. Claims 10 depends from independent Claim 1 and is also patentable. See 35 U.S.C. § 112 ¶ 4.

Claim 15 is in independent form and has been amended to incorporate the limitation of allowable Claim 17. Claim 16 depends from independent Claim 15 and is also patentable. See 35 U.S.C. § 112 ¶ 4.

The rejection under 35 U.S.C. § 103(a) appears moot in view of the amendment to the independent base claims. Applicant respectfully request withdrawal of the rejection of Claims 10 and 16 under 35 U.S.C. § 103(a).

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Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.
§1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date

9/23/04

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By

A handwritten signature in black ink, appearing to read 'Scott D. Anderson', written over a horizontal line.

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